Vol II Register B Clarke County, MS 1839-44

(32)

Finlay, Archebald M.K. 306,311,312

Finlay, Clara 308

Finlay, Duncan C. 306,311

Finlay, Emely 305

Finlay, John W. 306,311,312

Finlay, Joshua B. 280,281,282,306,310,311,312

Finley, Flora 67,68,112,113,147,231,232,280,281,282,305,306, 310,311,309,312

Fitts, Samuel 5

Fleming, Hiram 63,65,291

Flemming, John 64,291

Flemming, Robert 64,291

Fletcher, David 151

Fletcher, William 85

Fonville, S.S. 75

Fountaine, T.A. 102

Franklin, Benjamin 102,155

Gardner, Benjamin 288

Gardner, G.W. 50

Gardner, George 122,181,182,202,221,257,261

Gardner, Isaiah 46,48,50,52

Gardner, James 30

Gardner, Katherine 31

Gardner, Marmaduke 30,32,33,34,35,40,42,43,46,48,50,52,145,288,298

Gardner, Washington 298

Gaston, Leroy B. 171,173

Gill, Thomas 291

Gill, William G.6,7,11

Goldin, J.N. 220,221

Gardner family file
Clarke Co. MS

PC93.358

Risher, Hezekiah 227

Risher, James, Sr. 102,124,157,262

Roberson, Benjamin 261,273,294,296

Roberson, James Irvin 297

Roberson, John P. 297,305

Roberson, Obediah 295,297

Robertson, A.P. 253

Robertson, George W. 109

Robertson, John 263,264,278,284

Robertson, Sarah 178

Robinson, Benjamin 103,262

Robinson, John 101,203,204,223,225,236,237,271,272

Robinson, William 217

Rosher, Jacob 120,121

Runnels, E.E. 155

Ryan, A. 151

Savage, Elizabeth 64

Savage, James 299,300

Saxon 88

Scarbrough, I.R. 261,262

Scott, G.G. 271,272

Scuggs?, H.F. 171,172,173

Seal, C.M. 128

Seale, James M. 120,232,184,208,215,216

Seale, James W. 26,205

Seale, Joshua 69,70,95,96

Seal, Lewis P. 69,70,93,96,122,128,243,245

See, Samuel 102

(Marmaduke Gardners will)

In the name of God amen.
I Marmaduke Gardner of the County of Clark in the State of Mississippi Knowing the uncertainty of Life and the Certainty of death being of Good health and of sound and perfect mind memory and understanding (thanks be God for the same) and having a disposition to dispose of my worldly effects wherewith it has been pleased almighty God to bless me with in this Life do make and ordain this my last will and testament. In manner and form following, to wit, First, I will my soul to God who Gave it, and my body to the earth to be buried in a decent Christian like manner at the discretion of my surviving friends and relations or Executor herein after named, Second, I Give and bequeath unto the heirs of my son James Gardner late of Barnwell District in the State of South Carolina deceased all my Lands in the said State of South Carolina and District of Barnwell also three negroes Called and known by the name as follows Bob, Mary, and Caroline and their Increase

Third, I Give and bequeath unto my daughter Tabitha Chaddick the following negroes to wit; Tom, Celey, Abraham, Mariah, Linda, Martha and Little Tom, during her natural life and after her death then to be Equally divided amongst her then living heirs, also all my stock of Cattle and Lands lying in the State of Mississippi -

Fourthly, I will that should my wife

if Katharine Gardner survive me that she hold and enjoy all my property both real and personal in the State of Mississippi during her life and after her death then to be divided agreeable to this my last will and testament she having power and authority to Loan or Give off any property she may think proper to my Executor to be disposed of agreeable to this my will.

Fifthly, and lastly I do hereby appoint my friend and relation Griffin H. Hollimon Executor to this my last will and testament hereby revoking and disannulling all former wills or will by me made ratifying this to be my last will and testament.

Signed sealed and acknowledged in the presence of us who in the presence of the testator at his request and in the presence of each other, have signed our names as witnesses hereto

Marmaduke his x mark Gardner (seal)

Rufus T. Draughn
William Mathews
W. H. Nichols

The State of Mississippi } Personally appeared
Attala County } before me Henry Hailes Judge of the Probate Court for the County aforesaid William Mathews who being duly sworn in open Court, doth make oath and say that he was personally present and saw Marmaduke Gardner sign seal publish pronounce and declare the annexed Instrument in writing to

be and contain his last will and Testament 32
that he the said Marmaduke Gardner was th
of sound disposing mind memory and under-
standing to the best of this deponents knowledg
and belief and that himself together with
Rufus T. Draughn and W. H. Nichols signed
their names as witnesses thereunto at the requ
of the request of the Testator in his presence
and in the presence of each other,

William Mathews

Sworn to in open Court this 2d day of September
1839 Henry Hailes J.P.C.C.C.

Recorded the 3rd day of September A.D 1839
W. H. Green Clk P.C.C.C

(Executors Bond)

The State of Mississippi }
Clarke County } Know all men by these
presents, that we Griffin H Holliman John S
Houze and C. Holden are held and firmly
bound unto Henry Hailes Judge of Probate
for the time being and his successors in
office in the sum of Eight thousand
Dollars the payment of which well and
truly to be made we bind ourselves
our and each of us our and each of
our heirs Executors administrators and
assigns Jointly and severally firmly
by these presents, sealed with our seals
and dated this 2d day of Sept. A.D 1839

The Condition of this obligation is,
that if the said Griffin H Holliman
Executor for the last will and testament

233) of all the Goods Chattles and Credits of
of Marmaduke Gardner Deceased, do make
a true and perfect inventory of all and
singular the Goods Chattles and Credits
of the said deceased, which have or shall
come to the hands possession or knowledge
of him the said, Griffin H. Holliman
or unto the hands or possession of any other
person or persons for him, and the same
so made do Exhibit to the orphans Court
of Clarke County at such time as he shall
be thereunto required by the said Court
and the same Goods Chattles and Credits
do well and truly administer according
to Law and make a Just and true
account of his actings and doings therein
when thereunto required by the said Court,
and further do well and truly pay and
deliver all the legacies Contained and
Specified in the said will as far as
the said Goods Chattles and Credits
will Extend, according to the value thereof
and as the law shall charge you then
this obligation to be void otherwise to
remain in full force,

Attest

W. F. Green Clk,
P. C. C. C.

G. H. Holliman (Seal)
Jno. J. Houze (Seal)
E. Holden (Seal)

Recorded the 5th day of September 1839
W. F. Green Clk
P. C. C. C.

The State of Mississippi } To all to whom these
Clarke County } presents shall come
Greeting: Know ye that at a Probate Court begun and held in & for the County & State aforesaid at the Court House thereof on the first monday of September in the year of our Lord one thousand Eight hundred and thirty nine the last will and Testament of Marmaduke Gardner deceased, was presented proven and allowed, by us and the said deceased having whilst he lived and at the time of his death Sundry Goods Chattles & Credits within the County & State aforesaid, by means whereof and by force of the Statute in such Case made and provided the final settlement of which Legally belongs unto us-

We therefore having special trust & Confidence in the integrity & ability of Griffin H Holliman do appoint him Executor in the said will named, with full power & authority to sue & be sued plead & be impleaded for and in behalf of said Estate and do & perform all such other matters acts & things as Executor should do, according to Law in such Case made and provided

Witness the Honorable Henry Hailes Judge of Probate of said County the first monday in Sept, A.D. 1839

Given under my hand and seal of office this 2d day of Sept, A.D. 1839
Henry Hailes J.P.C.C. } W.H. Green Clk, P.C.C.
Recorded Sept 5th 1839 W.H. Green Clk, P.C.C.

01 135 (Appraise Warrant)

The State of Mississippi,
To Richard Wagster Stephen Davis and Wiley McNeill - Greeting;

This is to authorize you Jointly to appraise the Goods Chattles and personal Estate of Marmaduke Gardner late of Clark County deceased so far as the same shall come to your sight and Knowledge Each of you having first taken the oath or affirmation Hereto annexed a Certificate whereof you are to return annexed to an inventory of the said Goods Chattles and personal Estate by you appraised in Dollars and Cents, and in the said Inventory you are to set down in a Column or Columns oposite to each article the value thereof — Witness the Honorable Henry Hailes Judge of Probate of the County of Clark the first monday of September A.D. 1839. Given under my hand and seal of office this 2d day of September A.D 1839.

(Probate Court Clark County Miss.)

W. F. Green Clk P.C.C.

Recorded the 5th day of September A.D 1839

W. F. Green Clk P.C.C.

(Inventory of the Estate of M. Gardner Dec'd)

Appraisement on the Estate of Marmaduke Gardner Dec'd made on the 4th October A. D. 1839.

~~1 Gun and Shot Pouch~~

	$	Cts
1 R. Gun and Shot Pouch	15	00
1. Double Barrel shot Gun	15	00
1 Single Barrel Shot Gun & Pouch	10	00
1 Cross cut saw.	2	50
1 Lot Bacon	18	00
1 Lot Lard	7	00
1 Lot Shot & powder & Lead	7	50
1 Lot Books	5	00
1 Lot of Jugs	1	00
1 Steel trap	4	50
1 Negro woman Martha	400	00
1 do man Bob	300	00
1 Girl Mary	700	00
1 Boy Tom	1000	00
1 Boy Abram	700	00
1 Woman Mariah	700	00
1 do. Lindy	700	00
1 Negro man Tom	300	00
1 Negro woman Cely	200	00
1 Boy Cyrus	350	00
1 Negro Child Isaac	200	00
	$ 5835	75
1 Lot Seed Cotton	9	00
2 Beds and furniture	40	00
1 Lot Coopers ware	4	00
1 Lot Tin ware & Pewter	3	00
1 Lot Crockery ware	3	00
1 Lot Knives & forks	"	50
1 Lot Bottles Phials & medicine	1	25
1 Lot Shoe makers tools & Boat	1	50
1 Lot Leather	20	00

41

	$	Cts.
1 Lot Carpenters Tools	3	00
1 Coffee mill	"	25
1 Box of old trumpery	"	25
2 Kegs and Contents	"	50
1 pair saddlebags	1	50
1 Box and Contents	1	50
1 Bridle saddle & Blanket	8	00
1 Candle sticks	"	75
1 Wood Bonnet	"	37½
1 Lot of Pots	1	00
1 Spinning wheel & cards	1	50
1 Lot of old Barrels and Salt	3	00
1 Lock chain	1	00
$	5945	12½
Black Horse	70	00
1 Bay mare $10.00 and one Gray mare $10.00	20	00
1 Bay filly $10.00 1 Road waggon $50..	110	00
1 Lot of Corn $392.50 1 Lot fodder $51	443	50
1 Lot weeding hoes	3	00
1 Lot Grubbing Hoes	2	00
1 pair Iron wedges	1	25
1 Lot of axes Chisel and frow	4	75
1 Lot of Plows and Gears	15	00
1 Lot of Hogs	300	00
1 Set Black smiths Tools Iron & steel	50	00
1 Lot of Potatoes $10.00 1 Lot of Cattle $559.00	569	00
1 Lot siting Chairs $2.00 1 Table $3.00	5	00
Notes supposed Good		
one note on John Fairley $10.00		
one Do. Do John Neesal 5.00		
one Do. on W. McGehe 5.00		
one Do. on J. C. Heidleburg 1.25		
one Do on Wm Graham 25.00	46	25
Accounts supposed Good		
one account James Graham $1.25		

	$	Cts
1 Do. on William Graham $2.50		
1 Do. on John Johnston Jr. 1.00	4	75
Accounts supposed not Good		
1 account on John & Luke Simmonds $3.75		
	$ 7595	12½
Cash on hand		
Mississippi and Alabama Rail Road Company	40	00
In Alabama & Pensacola Bank Bills	31	00
In Specie	201	80
Shaving instruments	1	25
Total amount	$ 7849	17½
One account Stephen Davis supposed Good	10	00
Total amount	$ 7879	17½

The State of Mississippi } We the undersigned
Clarke County } appraisers appointed by
the Honorable Probate Court of said County
to appraise the personal Estate of Marmaduke Gardner
Deceased do hereby certify (that after first being
duly sworn according to law in such case
made and provided) have performed that
duty so far as the same have come to our
sight and knowledge and that the foregoing
List Exhibits a true statement thereof
Given under our hands this 5th day of October
1839

R^d. Wagster
Step^n Davis
Wiley McKill

(43) The State of Mississippi } Personally appeared
Clarke County } in open Court
Griffin H Hollimon and after being
duly sworn deposeth and saith that
the within contains a Just and true
statement of the appraised value of
the personal Estate of Marmaduke Gardner
deceased. agreeable to the best of his
Knowledge and belief

Sworn to and subscribed in open Court this 2nd day of December AD 1839 } G. H. Hollimon
W. Covington J.P.C.C.C.

Recorded the 5th day of December AD 1839
W. F. Green Clk
P.C.C.C.

Marmaduke Gardner Deceased made on the seventh [illegible]
one thousand Eight hundred and thirty Nine,

		$	Cts	$	Cts
..	Isaiah Gardner	14	00		
..	Edward McCarty Jr.	13	25		
..	Do. Do. Do	8	25	35	50
..	Stephen Davis	5	00		
..	Marmaduke Gardner	5	50		
..	Henry Brown	1	25		
..	Marmaduke Gardner	9	00		
..	Isaiah Gardner	4	00		
..	Isaac McChadick	2	12½		
..	Isaiah Gardner	2	10	29	97½
..	George Gardner	2	37½		
..	Isaac McChadick	4	00		
..	Allen Merrill	3	50		
..	Henry Brown	3	25		
..	Isaiah Gardner	1	14		
..	William F. Brown	7	25		
..	Isaiah Gardner	7	00	29	01½
..	David Chadick	1	00		
..	Isaiah Gardner	1	31¼		
..	Do. Do.	1	38		
..	Stephen Davis	1	38		
..	Isaiah Gardner	1	00		
..	David Chadick	..	25		
..	Isaiah Gardner	..	18¾		
..	Marmaduke Gardner	..	50	7	01
..	Isaiah Gardner	..	75		
..	Isaac McChadick	..	75		
..	Isaiah Gardner	..	81¼		
..	Marmaduke Gardner	..	37½		
..	Isaac McChadick	1	52½		
..	Do. Do.	..	50		
..	Do. Do.	1	25		
...		7	81¼	8	87½
	Amount Carried over			110	37½

	This amount Brought forward		$1914.12½
1	Note on L. B. Yatt	$17.37½	17.37½
1	account on James Ervingson $10		10.00
1	account on James A Cumbey		2.00
1	do on Jacob Parker for $7 uncertain		7.00
	Cash in hand		1.50
			1953.00
8	Head of Cattle a $6.00 per head		48.00
44	Head of Wild hogs at $1.00 per hd		44.00
2	Spinning Wheels a $2 Each		4.00
1	Iron Wedge		25
1	Water Pail		25
1	Piggin		25
1	Wine Sieve		25
			$2049.50

The State of Mississippi } We the underwritten
Clark County } appraisers appointed by the Honorable the Probate Court of Clark County to appraise the Personal Estate of Lewis Cook deceased do hereby Certify that after first being duly sworn according to Law in such cases made and provided have performed that duty so far as the same have come to our sight and knowledge and that the foregoing list Exhibit a true statement thereof Given under our hands this 8th day of January in the Year of our Lord one thousand Eight hundred and forty four

William Covington
(signed) Marmaduke Gardner
Benjamin F Gardner

The State of Mississippi } Personally appeared
Clark County } this day in open Court
Shepherd Lane administrator on the Estate of Lewis Cook Decd and after being duly sworn

1840		
" "	By amount paid Funeral expenses	10 00
"	" amount paid appraisers on said Estate	6 00
"	" amount paid William Mathews a witness in proving the will	10 00
"	" amount paid Taxes for the year 1839	8 75
1841	By amount paid Judge and Registers fees " probate Court Clark County	$ 18 00
" "	" amount paid J. R. Adams for Publication in the Eastern Clarion	7 00
" "	By amount allowed G. H. Hollimon Executor on said Estate being 6 per cent upon the appraised value thereof	472 74
" "	By amount of notes and accounts supposed good which cannot be collected	33 75
" "	By amount paid Isaac Chadick for Gathering stock	25 00
" "	By amount due the Estate this day	2621 92
		$ 3213 16
Sept. 6th	By amount due the Estate this day	$ 2621.92

G. H. Hollimon Executor

The State of Mississippi } Personally appeared
Clark County } before me the undersigned, G. H. Hollimon Executor on the Estate of Marmaduke Gardner dec.d who being duly sworn saith that the above account as stated is just and true to the best of his knowledge and belief }

Sworn to before me } G. H. Hollimon
this 6th day of Sept. 1841

W. H. Green Justice of the Peace

Amount brought over $2819 52¼

Isaac Mc Chadick	2	25		
Nathan Morris	3	37½		
Asa Chadick	1	50		
Isaac Mc Chadick	3	00		
William Easterling	3	00		
A. P. Parker	5	0¼		
Asa Chadick	5	00		
George Granberry	2	31¼	$30	50.
Allen Morris	2	35		
Isaac Mc Chadick	1	31¼		
do. do. do.	55	00		
Isaiah Gardner	1	37½		
Isaac Mc Chadick	1	15		
G. W. Gardner	2	50		
do. do.	"	25		
Isaiah Gardner	"	25		
Isaac Mc Chadick	1	25		
do. do. do.	24	00	$99	43¾
Total amount			$2949	31

The State of Mississippi } Personally appeared in open
Clarke County } Court Griffin H Hollimon
who after being duly sworn deposeth and saith
that the foregoing list Contains a Just and
true statement of the sale of the personal
Estate of Marmaduke Gardner deceased,
to the best of his knowledge & belief.
December 3rd 1839 } G. H. Hollimon
W. Covington J.P.C.C. }

Recorded the 5th day of December AD 1839
W. J. Green Clk P.C.C.

	$	cts		
Amount brought up			$1844	27
Isaiah Gardner	4	00		
Isaac Mc Chadick	1	00		
Marmaduke Gardner	2	12½		
Isaac M Chadick	3	00		
do. do. do.	"	10		
George Evans	53	00	63	22½
Isaiah Gardner	87	00		
Marmaduke Gardner	51	00		
D. D. Cummings	15	25		
G. W. Gardner	17	00		
Isaac Mc Chadick	7	00		
William P. Cheery	100	00		
Isaiah Gardner	15	00		
G. W. Gardner	32	00		
do do. do.	20	00	399	25
do. do. do.	10	12½		
do. do. do.	24	50		
Isaac Mc Chadick	75	02		
William Easterling	37	50		
do. do.	81	25		
Moses Granbery	28	12½		
do. do.	28	12½		
do. do.	31	25		
E. P. Hodges	30	00	298	39½
Moses Granbery	82	00		
Isaac M Chadick	15	00		
do. do. do.	14	25		
do. do. do.	14	25		
do. do. do.	14	28		
do. do. do.	17	50		
do. do. do.	17	50		
do. do. do.	19	40		
G. W. Gardner	3	12½		
George Granbery	3	00		
do do.	2	12½		
do. do.	2	18¾	212	28¼
			2819	42¼

25 Page

Amount Brought over			$110	37½
William P. Cherry	"	50		
Isaiah Gardner	29	00		
Isaac M. Chadick	30	00		
G. H. Hollimon	"	25		
Do. Do.	3	37½		
David Chadick	2	18¾		
G. H. Hollimon	"	37½	65	18¾
Stephen Davis	2	12½		
Isaac M. Chadick	"	12½		
Isaiah Gardner	"	75		
Isaac M. Chadick	2	01¼		
Marmaduke Gardner	"	87½		
G. H. Hollimon	"	87½		
Do. Do.	2	25		
Isaiah Gardner	2	25		
Do. Do.	1	56¼	12	88¼
Isaac M. Chadick	300	00		
Thomas C. Hiddleburger	389	00		
John Rowney	903	00		
Marmaduke Gardner	7	25		
Isaiah Gardner	8	56¼		
Collier J. Johnston senr	9	00		
Do. Do. Do.	8	50		
Do. Do. Do.	4	25		
Do. Do. Do.	3	12½		
Do. Do. Do.	2	25	1635	43¾
Isaac M. Chadick	3	00		
Do. Do. Do.	2	00		
Isaiah Gardner	1	00		
Harland Cooley	1	25		
Nathaniel Smith	"	31¼		
L. L. Porter	"	80		
Benjamin Graham	3	31¼		
Isaiah Gardner	3	25		
Do. Do.	1	25	21	88½
Do. Do. Amount Carried over	1	71	$1846	27

298 Account Sales of the Personal Property Estate ... late of Clark county in the State of Mississippi on the 29 day of February AD 1844

	$	cts
Shepherd Lane To one Lot of Negroes Sally Jane & Gideon	1000	00
William Harvin do Maryan Hester & Henry	870	00
Abram Ennis do Chany & Child	650	00
William Covington Nine head of cattle	37	00
William Harvin 1 Young Mare	37	00
Shepherd Lane 1 Sorrel Mare	30	00
Shepherd Lane Saddle Bridle & Martingal	8	00
Washington Gardner 1 Lot Hogs 20 head @	14	25
Washington Gardner 1 Lot do 12 head @	11	00
Abraham Ennis 1 Lot do @	3	00
William Harvin 1 Spinning Wheel @		50
William Harvin 1 pr andirons 1 Millet	2	62½
Washington Gardner 1 Small oven @	1	00
Shepherd Lane 1 Tea Kettle @		75
Shepherd Lane 1 Large Pot @	6	00
Wiley Mitchell 1 pr trace chains @	2	00
Richard A Wagster 1 Clevis & pin		50
Shepherd Lane 1 Iron Wedge @		87½
Washington Gardner 1 Iron Plough @	1	75
Abram Ennis 1 trunk @	1	12½
Shepherd Lane 1 Jug @		62½
Marmaduke Gardner 1 Water Pail @		31¼
William Harvin 1 Table @		25
Washington Gardner 10 head of Hogs @	3	00
William Harvin 1 Sifter @		37½
Abram Ennis one small Piggin		12½
Abram Ennis 1 Spinning Wheel @	2	62½
Shepherd Lane 1 Weeding Hoe @		50
Washington Gardner 1 do @		31¼
Total amount	$2685	00

The State of Mississippi }
Clark County } I Alexander Gordon
of said county do hereby certify that I cried